

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/796,485 Confirmation No.: 2291
Applicant(s): Stone, et al.
Filed: March 9, 2004
Art Unit: 3687
Examiner: Rudy, Andrew J.
Title: SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR
IMPLEMENTING PROCESSES RELATING TO RETAIL SALES

Docket No.: 940472-267909
Customer No.: 85426

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This correspondence is filed in response to the Office Action dated October 22, 2009. Claims 7, 9-13, 66-78 and 131-143 are currently withdrawn from consideration, and Claims 2-6 and 8 are pending but rejected under 35 U.S.C. § 103(a) as being unpatentable over Rice et al., US 7,330,585 (the '585 patent).

As is discussed in greater detail below, Applicants respectfully submit that the Office Action fails to articulate and prove a *prima facie* case of obviousness. Applicants further cite the Office Action's failure to provide proper weight to all recitation in the claims as is required under the M.P.E.P. and requirements set forth by the Federal Circuit. Finally, and importantly, Applicants respectfully submit that the cited reference does not teach or suggest each and every element of the claims, such as, for example, generating and displaying a three-dimensional graphical representation of the environs and at least one purchasable item selected by a customer. In this regard, the Official Notice cited in the Office Action is irrelevant and does not address the above claim language regarding generation and three-dimensional display. For at least these reasons, as further articulated below, Applicants respectfully request reconsideration and allowance of all pending claims of the application.